

10042756 .110



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*#3/A*  
(032275-020CON)  
Docket No. Faulding/1CON

JC979 U.S. PTO

10/042756



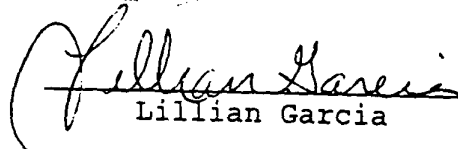
APPLICANTS : Gregory Paul Handreck et al.  
FOR : PAMIDRONATE SOLUTION

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number: EK 170571149US

Date of deposit: November 6, 2002.

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Hon. Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

  
Lillian Garcia

Hon. Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

**RECEIVED**

JAN 31 2003

TRANSMITTAL LETTER FOR RULE 53(b)  
CONTINUING PATENT APPLICATION

**OFFICE OF PETITIONS**

Sir:

This is a request for filing a [X] continuation, [ ] divisional, application under 37 C.F.R. § 1.53(b), of pending prior application No. 09/773,480 (Confirmation No. 5946), filed on February 2, 2001 of Gregory Paul Handreck et al. for PAMIDRONATE SOLUTION.

Transmitted herewith for filing are the [X] specification; [X] claims; [X] abstract; [X] Copy of Declaration and Power of Attorney; [X] Revocation of Power of Attorney and Power of Attorney; [X] Petition for 37 C.F.R. § 1.136(a) for Extension of Time (in duplicate); [X] Check for

**BEST AVAILABLE COPY**

\$920.00; [X] Print EFS Data Sheet; for the above-identified patent application.

Also enclosed is: [X] A copy of Shinal, PCT patent application WO 00/34293. Applicants note for the record that claims 1-10 of pending prior application No. 09/773,480, filed on February 2, 2001 of Gregory Paul Handreck et al. for PAMIDRONATE SOLUTION have been copied from Shinal, PCT patent application WO 00/34293.

The enclosed declaration is:

- ☐ Newly executed (original or copy).
- ☒ Copy from a prior application (37 C.F.R. § 1.63(d)).
- ☐ A signed statement is attached deleting inventors named in the prior application (37 C.F.R. §§ 1.63(d)(2) and 1.33(b)).
- ☒ The entire disclosure of the prior application, from which a copy of the declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☒ The prior application, Application No. 09/773,480, filed February 2, 2001, is assigned of record to Mayne Pharma Pty Ltd. (Reel 12822, Frame 943) by virtue of prior assignments to FH Faulding Pty Limited (Reel 12754, Frame 617) and FH Faulding & Co. Limited (Reel 11951, Frame 858).

Also transmitted herewith are:

- ☐ \_\_\_\_\_ sheets of:
  - ☐ Formal drawings.
  - ☐ Informal drawings. Formal drawings will be filed during the pendency of this application.
- 1. ☐ Please enter the Amendment pursuant to 37 C.F.R. § 1.116 filed \_\_\_\_\_ in Application Serial No. \_\_\_\_\_.

2. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee.
3. ☐ Small Entity Status is claimed.
4. ☒ The filing fee is calculated below:

## CLAIMS AS PENDING IN PRIOR APPLICATION AND FILED HEREWITH

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE				\$ 740.00
TOTAL CLAIMS	10		x \$18 = \$	0.00
INDEPENDENT CLAIMS	1		x \$84 = \$	0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$280 = \$	0.00
			TOTAL	<u>\$740.00</u>

5. ☐ A check in the amount of \$\_\_\_\_\_ in payment of the filing fee is enclosed.
6. ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, or credit any overpayment of same to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is enclosed.
7. ☒ Please charge \$ 740.00 to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is enclosed.

- ai
8. [X] Amend the specification by inserting before the first line the sentence: This is a continuation of co-pending United States patent application Serial No. 09/773,480, filed February 2, 2001, entitled -- PAMIDRONATE SOLUTION --, which claims priority from Australian patent application PR 0189, filed September 18, 2000.

9. [ ] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

10. [X] The power of attorney of record in prior Application Serial No. 09/773,480 by virtue of a Revocation/Power of Attorney filed and enclosed herewith, is to:

<u>Margaret A. Pierri</u> ,	Reg. No. <u>30,709</u>
<u>Jane T. Gunnison</u> ,	Reg. No. <u>38,479</u>
<u>Stanley D. Liang</u> ,	Reg. No. <u>43,753</u>
<u>Shawn-Marie Mayrand</u> ,	Reg. No. <u>48,986</u>
<u>Michelle A. Kercher</u> ,	Reg. No. <u>51,869</u>

- 10a. [ ] The power appears in the original papers in the prior application.

- 10b. [X] A copy of the power to the prior attorneys of record, which appears in the original application papers, is enclosed.

- 10c. [X] Because the undersigned's power does not appear in the original application papers, it is filed and enclosed herewith.

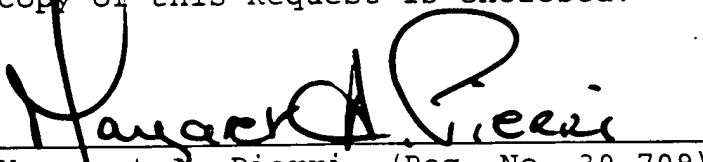
11. [X] Address all future communications to:

Margaret A. Pierri,  
 Registration No. 30,709  
 c/o FISH & NEAVE  
 Customer No. 1473  
 1251 Avenue of the Americas  
 New York, New York 10020

Tel.: (212) 596-9000

12. ☐ A preliminary amendment is enclosed.
13. ☒ Please grant a ☐ one-month, ☐ two-month, ☒ three-month, ☐ four-month, ☐ five-month, extension of time under 37 C.F.R. § 1.136(a) to respond to the Office Action dated May 6, 2002 in U.S. Application Serial No. 09/773,480, so that this Request will be filed while that application is still pending.
14. ☒ A check in the amount of \$ 920.00 in payment of the extension-of-time fee is enclosed.
15. ☒ The Director is hereby authorized to charge payment of any additional extension-of-time fees required under 37 C.F.R. §1.136, in connection with this paper, or to credit overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Request is enclosed.
16. ☐ Please charge the extension-of-time fee of \$\_\_\_\_\_ to Deposit Account No. 06-1075. A duplicate copy of this Request is enclosed.

November 6, 2002  
(Date)

  
Margaret A. Pierri (Reg. No. 30,709)  
Attorney for Applicants  
c/o FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000